

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 4, 2002

DIVISION ONE

B146764 Kathleen Cole (Not for Publication)

v.

El Monte School District, et al.

The trial court's award of attorneys' fees and the cost of the motion for attorneys' fees is reversed. In all other respects the judgment is affirmed. The parties are to bear their own costs on appeal.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B149281 People (Not for Publication)

v.

Todd Chism

The judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

April 4, 2002-Continued

DIVISION ONE (Continued)

B152192 People (Not for Publication)
v.
Victor G.

The order under review is affirmed.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION TWO

B150134 Martino
v.
First Bank of Beverly Hills

Filed order denying petition for rehearing.

[illegible]

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Nott, Acting P.J.
 Doi Todd, J.

April 4, 2002-Continued

DIVISION TWO (Continued)

B151089 People (Not for Publication)
v.
Baldwin, Jr.

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Nott, J.

B143388 People (Not for Publication)
v.
Lines

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B150916 People (Not for Publication)
v.
Blackston

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B152512 National Technical Systems (Certified for Publication)

v.

Superior Court, Los Angeles County
(United Pacific Insurance Company, r.p.i.)

The order to show cause is discharged. The petition for writ of mandate is granted. Let a writ of mandate issue directing respondent superior court to: vacate its order granting UPIC's motion in limine to preclude any reference to the prior trial and judgment against the general contractor, and to enter a new and different order merely precluding any reference to the verdict or judgment against the general contractor; and to vacate its order precluding any reference to NTS' s attorney fees or to statutory interest penalties and to enter a new and different order denying that motion in limine. NTS shall recover its costs in this proceeding. (Cal. Rules of Court, rule 56.4(a).)

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B141975 People (Not for Publication)

v.

Scott

The abstract of judgment for defendant is modified by (1) striking the \$200 restitution fine imposed pursuant to section 1202.4 and substituting a \$100 fine therefore, and (2) striking the \$200 parole revocation fine imposed pursuant to section 1202.45. The superior court shall direct the clerk to forward a certified copy of the amended abstracts of judgment to the Department of Corrections. So modified, the judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B146581 Silver, et al. (Certified for Publication)
v.
Boatwright Home Inspection, Inc.

The order from which Boatwright has appealed is affirmed. Costs on appeal to plaintiffs.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B150872 Los Angeles County, D.C.F.S. (Certified for Publication)
B152814 v.
Teia Z.

The orders denying Mother's section 388 petition and terminating her parental rights are affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B143373 Zicklin
v.
Weinstraub

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE (Continued)

B131353 Caesar Wackeen et al. (Certified for Publication)
B132671 v.
B138921 William Malis et al.

The orders from which the parties have appealed are reversed and the cause is remanded for further proceedings consistent with the views expressed herein. All parties to bear their own costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B152330 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Maria L.

The order is reversed. The matter is remanded for the very limited further proceedings consistent with the views expressed in this opinion.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

B150660 Angie Hardt et al. (Not for Publication)
v.
Medpartners et al.

The judgment is reversed. The trial court is directed to vacate its order granting defendant's motion for summary judgment or, alternatively, summary adjudication, and to enter a new order denying such motion in its entirety. Plaintiff is awarded her costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
Aldrich, J.

April 4, 2002-Continued

DIVISION THREE (Continued)

[illegible]

The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B148081 Eileen Burk (Not for Publication)
v.
Gerald Burk

The orders appealed from in the consolidated matters before us are affirmed in full.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

B147953 People (Not for Publication)
v.
Joresha Anderson

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

April 4, 2002-Continued

DIVISION FOUR (Continued)

B146544 People (Not for Publication)
v.
Marvin Goins

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

[illegible]

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B150813 People (Not for Publication)
v.
Joshua Long

The order granting the motion to vacate the information under section 995 is reversed. The matter is remanded for further proceedings.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

B154578 The People (Not for Publication)
v.
Superior Court, Los Angeles County
(Maria Chacon, r.p.i.)

The petition for writ of mandate is granted. The superior court is directed to vacate its order recusing the district attorney's office and to issue a new order denying the motion to recuse the entire Office and recusing Simonian from any direction or active participation in the investigation or prosecution of the case, except as a possible witness.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B148622 Choe et al. (Not for Publication)
v.
Chavis

The order awarding \$12,000 in attorney fees to appellants is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B154313 Terry W. (Not for Publication)
v.
Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

The petition for extraordinary writ is denied. This decision shall become final as to this court immediately upon its filing. (cal. Rules of Court, rule 24(d).)

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

B150941 Donna Diosdado (Certified for Publication)
v.
Manuel Diosdado

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B151293 Lindsey Read et al. (Certified for Publication)
v.
Randolph C. Read

The order is reversed. Each side is to bear its own costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B152628 Sav-On Drug Stores, Inc. (Not for Publication)
v.
S.C.L.A.
Robert Rocher et al.

The order to show cause, having served its purpose, is discharged. Let a peremptory writ issue commanding respondent trial court to vacate its order granting class certification and enter a new and different order denying class certification. Costs are awarded to defendant.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B148811 Millan
 v.
 Southern California Gas Company

 Filed order denying petition for rehearing.

DIVISION FIVE

Court convened at 10:00 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J. and J. Belcher, Deputy Clerk.

Each of the following:

B148514 People v. Dean
B147718 People v. Sandoval
B154145 D.C.F.S. v. Maria B.
B150885 People v. McDonald
B149877 Estate of Natividad v. Dept. of Health Services
B150066 People v. Jones

Argument waived, cause submitted.

B147608 In re Tyrone Evans on Habeas Corpus

Merits:
Argued by A. William Bartz, Jr. for petitioner and by Michael R. Johnson,
deputy attorney general, for real party in interest. Cause submitted.

Court recessed at 10:19 A.M.

April 4, 2002-Continued

DIVISION FIVE (Continued)

Court reconvened at 10:20 A.M.

Present: Turner, P.J., Armstrong, J., Mosk, J., and J. Belcher, Deputy Clerk.

B149023 Lazar Fell
 v.
 John Astalis

Merits:

Argued by John Astalis appellant in propria persona and by Howard Gerz for respondents. Cause submitted.

B147025 Jeffrey Singer
 v.
 Helene Singer

Merits:

Argued by Scott J. Rein for appellant and by Marc L. Sallus for respondents. Cause submitted.

Court recessed at 11:20 A.M.

The court reconvened at 11:25 A.M.

Present: Turner, P.J., Armstrong, J., Mosk, J., and J. Belcher, Deputy Clerk.

Each of the following:

B151092 People v. Moore
B155826 D.C.F.S. v. Monica M.
B154254 People v. Orlando V.

Argument waived, cause submitted

DIVISION FIVE (Continued)

B153187 Los Angeles County, D.C.F.S.
 v.
 Jason L.

Merits:

Argued by Michael Salazar for appellant and by Jerry M. Custis, deputy county counsel, for respondent. Cause submitted.

B149803 People
 v.
 Joseph Banks

Merits:

Argued by Judith Rochlin for appellant and by Stephanie A. Miyoshi, deputy attorney general, for respondent. Cause submitted.

B156056 Sami Alexander
 v.
 Superior Court, Los Angeles County
 (Felix Orona, Jr., r.p.i.)

Merits:

Argued by Pamela Ann Thatcher for petitioner and by Julian A. Pollok for real party in interest. Cause submitted.

Court recessed at 12:25 P.M.

Court reconvened at 1:00 P.M.

Present: Turner, P.J., Grignon, J., Mosk, J., and J. Belcher, Deputy Clerk.

Each of the following:

B153478 People v. Bernal
B151295 People v. Gallegos
B150878 D.C.F.S. v. James L.

Argument waived, cause submitted

DIVISION FIVE (Continued)

B150726 Gary Burch et al.
v.
Speedee Oil Change Systems, Inc.

Merits:

Argued by Geordan Goebel for appellants and by Edward C. Duckers and Barry Schlom for respondents. Cause submitted.

B147117 Bonnie Chernak
v.
Howard S. Rosen

Merits:

Argued by Paul S. Zimmerman for appellant and by Bonnie J. Chermak, respondent in pro per. Cause submitted.

B146841 David Scott Bateman
v.
Allstate Insurance Company

Merits:

Argued by Robert I. Manuwal for appellant and by James E. Fitzgerald for respondent. Cause submitted.

B146141 Maria Garcia
v.
Jerome Russell Cosmetics (USA), Inc.

Merits:

Argued by Peter K. Levine for appellant and by Barry Morris Appell for respondent. Cause submitted.

Court adjourned at 2:15 P.M.

DIVISION FIVE (Continued)

B148612 Joan Cunningham (Not for Publication)
 v.
 Blue Cross of California

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Mosk, J.

B142529 Doctor's Medical laboratory
 v.
 Director State Department of Health Services

Filed order denying petition for rehearing.

DIVISION SIX

B151093 People (Not for Publication)
 v.
 Clingham

Accordingly, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B153807 Crotteau (Not for Publication)
 v.
 Oliver

The judgment (order resolving spousal petition) is affirmed. Costs to respondent.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SIX (Continued)

B148148 Fugate (Not for Publication)

v.

Costco Wholesale Corporation

The judgment is affirmed. Costs to respondent.

Perren, J.

We concur: Gilbert, P.J.

Yegan, J.

DIVISION SEVEN

B143780 People (Not for Publication)

v.

Cote

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.

Woods, J.